



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager (860)441-6630

**Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., John F. Scott, Paulann H. Sheets, James L. Streeter, and Elissa T. Wright.**

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**Tuesday, June 6, 2006**

**7:30 PM**

**Town Hall Annex - Community Room 1**

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#### **REGULAR MEETING**

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#### **I. ROLL CALL**

*The meeting was called to order at 7:30 p.m. by Mayor Harry Watson.*

*Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Office Assistant Elga Concepcion.*

Members Present: Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Scott, Councilor Streeter and Councilor Wright

Members Absent: Councilor Bartinik, Jr. and Councilor Sheets

#### **II. SALUTE TO THE FLAG**

*The Salute to the Flag was led by Mr. Charles Kosloskey.*

#### **III. RECOGNITION, AWARDS & MEMORIALS**

##### **2006-0145 Proclamation Honoring Carol W. Kimball**

**Read**

*Councilor Streeter read the Proclamation which had been presented at her 90th birthday celebration.*

##### **2006-0176 Proclamation Honoring Omar G. Allvord**

**Read**

*Councilor Kolnaski read the Proclamation which had been presented at the Patriot Award ceremony.*

*The Mayor read the Introduction of Amendment of Bus Ordinance.*

#### **RECESS FOR PUBLIC HEARING**

*Mayor Watson called a recess for the Public Hearing at 7:40 p.m. He suggested that citizens limit their time to three to five minutes.*

*Mayor Watson summarized a letter which he received from Richard Arms Jr., President of the Old Mystic Community Association (OMCA), requesting the Town Council to include River Road in the amended bus ordinance.*

#### **READING OF PUBLIC HEARING NOTICE**

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Barbara Tarbox.*

#### **PUBLIC HEARING**

**Recess for Public Hearing on:**

##### **2006-0177 Public Hearing on Amendment of Bus Ordinance**

#### **PUBLIC HEARING ON AMENDMENT OF BUS ORDINANCE**

(a) Legislative finding. The operation of motor vehicles of the bus type in livery service on any of the enumerated public streets or highways, which streets or highways are narrow, without adequate sidewalks, and frequently congested, endangers the safety of pedestrians and other travelers on such streets or highways, especially children and the elderly, and constitutes a noisome, unreasonable and unnecessary invasion of the property and privacy rights of residents and property owners.

(b) Definitions. The term "motor vehicle of the bus type in livery service" means and includes every motor vehicle with a seating capacity of 20 or more passengers which is used for the transportation of passengers for hire with the exceptions noted in C.G.S. § 13b-101.

(c) Acts prohibited. No person shall operate a motor vehicle of the bus type in livery service on any of the following public streets or highways:

Academy Lane  
Bank Street  
Burrows Street  
Clift Street  
Eldridge Street  
Elm Street (Mystic)  
Fort Rachel Place  
Front Street  
Gravel Street  
Grove Avenue  
High Street (Noank)

High Street, Mystic from Noank Road (Route #215) north to Cow Hill Road/Allyn Street connector

Library Street  
Military Highway between Grove Avenue and Crystal Lake Road  
Palmer Court (Noank)  
Park Place  
Pearl Street (Mystic)  
Pearl Street (Noank)  
Riverview Avenue (Noank)  
Starr Street  
Ward Avenue  
West Mystic Avenue

(d) Penalty. Any person violating the provisions of this section shall be fined not more than \$100.00 for each offense.

**Heard at Public Hearing**

*Jack Pillar, 1260 River Road, Mystic, representing the OMCA reiterated that he supports Mr. Arms' position as reflected in his correspondence addressed to Mayor Watson.*

*Gerald Mears, 117 Pearl Street, Noank, owner of Abbott's Lobster-in-the-Rough and Costello's Clam Shack, stated that he is before the Council in an effort to protect his basic property rights for free access by his customer base. He does not believe that the road motor bus constitutes a unique threat to the Town. He stated that the original ordinance which was passed more than twenty-five years ago has taken more time than any other issue before the Council.*

*Ed Stebbins, 251 Elm Street, Noank, stated that the amendment to Ordinance 159 is not about safety and its purpose is to appease a few property owners. He feels that this is a waste of tax dollars and if the Town Council rejects this amendment, Ordinance 159 will still be in effect.*

*Kathleen Burns, 260 Elm Street, Noank, manager of Noank Shipyard Inc., stated that the time which Town leaders have spent on this issue is excessive. Ordinance 159 has allowed commerce to continue without having any incidents involving a bus. She questioned the reason for changing this ordinance and who is behind the proposed change.*

*Dan Burns, 260 Elm Street, Noank, a Noank Shipyard employee, stated that the purpose of the original ordinance was to stop tours in both Mystic and Noank. He would like to revert back to the original ordinance. Mr. Burns is concerned that there may be a conflict of interest with regard to one of the Councilors who is opposed to buses traveling on Pearl Street.*

*Patrice Granatosky, 30 North Prospect, RTM member for District 2, pointed out that the Council is looking to encourage new business in our Town, but questioned who will want to come here if existing businesses, such as Abbott's, are treated in this manner. She discussed the situation in which Garbo Lobster was forced out of Stonington. Ms. Granatosky is opposed to the amended ordinance and will oppose it if it comes to the RTM.*

*Laurel Tiesinga, 12 Smith Court, Noank, feels that large buses worsen the congested traffic situation and pose an obstacle to emergency vehicles. She believes the proposed amended ordinance represents a compromise which addresses the interests of affected businesses while responding to residents' concerns. Ms. Tiesinga supports the amended ordinance as written on the condition that it be properly enforced.*

*Robert Beaulieu Jr., 250 Elm Street, Noank, stated that the amended ordinance targets a specific business in an area of Town which has been commercialized for over two-hundred years. He urged the Council to vote against the amended ordinance and continue to be "business friendly".*

*Natalie Billing, 15 Ashby Street, Mystic, cautioned the Council on the manner in which they are approaching this issue. She discussed the possibility of a company coming to Noank and providing tours. Ms. Billing stated that the Council is not banning buses on the streets of Noank, but allowing bigger buses on the streets where they are currently not allowed. Also, it is not true that the original ordinance has not been enforced, but a decision had been made as to how it would be interpreted which was based on an opinion from the State's Attorney. She pointed out that these residents and Abbott's have co-existed without an accident.*

*Jim Giblin, 29 Chesebro Avenue, Noank, believes that the proposed ordinance is wrong and unnecessary. It is wrong because it prohibits large vehicles for a specific service but permits comparable vehicles for other services which is discrimination. He also feels that this is not a safety issue and that the Town will waste tax revenues on additional legal fees.*

*Daphne Vayos, 53 Pearl Street, Noank, stated that the proposed revision to Ordinance 159 will clarify the community's intention to prohibit all large motor coach buses from the designated streets. She requested that the Council approve the amended ordinance to insure the safety of the community and bring closure to this matter. Ms. Vayos reiterated that the Town has the right to restrict traffic based on the needs of the community.*

*Genevieve Cerf, 17 Crecent Street, RTM member for District 8, discussed the differences between destination versus tour buses. She feels that the ordinance should have been rewritten if it was not going to be enforced as originally written. Ms. Cerf believes that the Town has been insensitive and unfair towards the residents of Pearl Street.*

*Charlie Kosloskey, 28 Spicer Avenue, South East Area Transit (SEAT) board member, discussed buses which provide American with Disabilities Act (ADA) transportation services and federal requirements. He stated that banning certain buses on certain streets would keep him from doing*

*his job as required by federal law. Mr. Kosloskey noted that if this amended ordinance is passed, the following exceptions should be considered: retirement homes, school districts, emergency services and government vehicles.*

*Maria Teresa Walker, 30 High Street, Noank, discussed the pedestrian traffic in Noank. She showed the Councilors photographs of buses parked on the streets of Noank. Ms. Walker noted that many of the houses on Pearl Street do not have driveways so residents park their cars on the street.*

*Tim Pratt, 75 Front Street, Noank, a business owner on Main Street, has had the opportunity to view buses traveling on Pearl Street. He supports the amended ordinance and feels it will promote a healthy co-existence among residents and businesses.*

*Tricia Barkley, 14 Holmes Street, Mystic, spoke on behalf of the Greater Mystic Chamber of Commerce Board of Directors who are concerned about enforcement of the bus ordinance in Noank and about the effect on business at Abbott's Lobster-in-the-Rough.*

*Melanie Greenhouse, 23 Brook Street, Noank, stated that Groton Long Point has a bus ordinance which is enforced, so Noank and other villages should do the same. Failure to control the amount of commercialism in these villages results in the loss of the essence of why tourism happens in the first place. Ms. Greenhouse feels that if the plea from Noank residents is disregarded, there will be a sense that local residents' rights are not being supported.*

*Sloan Keck, 25 Spring Street, Noank, does not support the amended ordinance and would like to see the law enforced as it is written. She discussed the measurements between Pearl Street and the front doors of those homes. Ms. Keck stated that the local businesses are not dependent upon buses and that the narrow streets cannot sustain heavy traffic.*

*Niel Spilane, 147 High Street, Mystic, agreed with Mr. Giblin's comments. When the ordinance was first conceived it was not an issue of targeting buses, but a concern in general that tour buses would invade the west side of the Mystic River and overwhelm the local streets. He believes it is "disingenuous" of the Town to target buses when it "turns a blind eye" to other types of trucks and large vehicles which have just as much impact.*

*Ben Rathbun, 52 Riverview Avenue stated that the buses are driven by very trained men. He noted that the biggest problem on Pearl Street is the residents that live there and cited examples of moving vans, oil trucks and garbage trucks. Mr. Rathbun believes that if Abbott's Lobster-in-the-Rough goes out of business, there will be a condominium built in that location.*

*Mayor Watson stated that the next step in the process is for the Town Council to take into consideration the citizens' petitions and discuss this matter in the Committee of the Whole next week.*

*The public hearing was closed and the Mayor called a recess at 9:10 p.m.*

*The meeting was reconvened at 9:25 p.m.*

#### **IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

#### **V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*None.*

#### **VI. CONSENT CALENDAR**

##### **a. Approval of Minutes**

**2006-0174 Approval of Minutes (Town Council)****RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council Meetings of May 16, 2006 and May 23, 2006 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

*Councilor Scott would like page four of the May 16, 2006 minutes corrected to delete the comments noted for "Community & Cultural Development" and insert them under the appropriate committee report, "Environment & Recreation".*

**b. Deletions from the Town Council Referral List****2006-0137 Bodenwein Public Benevolent Foundation Grant for the Arts Cafe - Mystic Program**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0148 FYE 2006 Suspense List**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0162 Establishment of Tax Rate for General Fund (FYE 07)**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0163 Establishment of Tax Rate for Mumford Cove District Fund (FYE 07)**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0164 Establishment of Tax Rate for Groton Sewer District Fund (FYE 07)**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0167 Future of Pumpout Boat Program**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0171 Resolution Authorizing Town Manager to Enter into an Agreement for a Grant-Assisted Purchase of Hybrid Vehicles**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**2006-0172 Referring Ledyard's Request for Sewer Service to WPCA**

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

**c. Special Trust Fund Contributions****2006-0170 Special Trust Fund Contributions****RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS**

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Jim Moody - \$55.00 - Animal Control Facility

Joellen Anderson - \$250.00 - Library Discretionary

**This Matter was Adopted on the Consent Calendar.**

**Passed The Consent Calendar**

A motion was made by Councilor Streeter, seconded by Councilor Kolnaski, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously

**VII. COMMUNICATION REPORTS (Other than Committee Reports)****a. Town Councilors**

*Several Councilors attended Carol Kimball's birthday celebration and the Friends of Fort*

*Griswold Patriot Award ceremony for Omar Allvord on May 21. A few of the Town Councilors received emails regarding the bus ordinance.*

*Councilor Scott attended the Poquonnock Bridge Fire District annual meeting on May 24. He attended the Fitch Senior High School Memorial Day ceremony on May 25.*

*Responding to Councilor Scott's comments regarding reconsidering the Fire Department study, Mayor Watson noted that he will discuss this matter with him personally.*

*Responding to Councilor Scott's comments regarding the lack of licensing of tattoo/body piercing parlors, Councilor Kolnaski will communicate his concern to the Ledge Light Health District.*

*Councilor Streeter attended the public briefing for the Catherine Kolnaski School construction update.*

*Councilor Bond attended the Fitch Senior High School Chorus concert. She noted that the chorus competed in Virginia and performed well. Councilor Bond suggested that the three Fitch Senior High School seniors be honored for their bravery in regard to the recent plane crash.*

*Councilor Kolnaski attended three Memorial Day events. She also attended the Senior Center Computer Coordinating Council and Groton Teachers Retirement Reception. Councilor Kolnaski attended two Permanent School Building Committee meetings and presentations of three school construction plans.*

*Mayor Watson attended the Coast Guard Academy graduation on May 17. He met with the Steering Committee to End Homelessness in Southeastern Connecticut. The Mayor attended Patriotism Day at Pleasant Valley Elementary School which honored Mr. John Markowitz on May 26. He attended the One Book One Region presentation at Groton Public Library on June 1 and gave opening remarks at the Relay for Life on June 3.*

**b. Representative Town Meeting**

*Town Clerk Barbara Tarbox stated that the RTM has finished its budget deliberations.*

**c. Clerk of the Council**

*The Town Clerk reminded residents that June is dog licensing month and that renewals may be done by either in person or by mail. New dogs at least six months of age should be licensed as soon as possible and this can be done by coming to the office as well.*

*She attended the annual International Institute of Municipal Clerks conference the week of May 15. The New England Archives Center has finished the project of scanning meeting minutes that was funded by a historic documents grant. This project will be continued next year so that all the minutes since 1957 (the year in which the Town Charter was adopted) can be scanned. Town Clerk Tarbox read vacancies on the Boards and Commissions in the Town, in particular appealing for volunteers for the Zoning Commission.*

**d. Town Manager**

*Town Manager Oefinger distributed a packet of information to the Council that contained the presentations given at school meetings over the past three weeks. He noted that Tim Horton's will set aside proceeds to support Tim Horton's Camp Day program on June 7. Mr. Oefinger extended his condolences to the families of the victims of the recent tragic accidents. He also thanked the police, emergency service personnel and the Fitch Senior High School students who assisted in the rescues.*

**e. Town Attorney**

*The Town Attorney's report was received and sent out.*

**VIII. COMMITTEE REPORTS****a. Community & Cultural Development - Chairman Scott**

*No meeting; no report.*

**b. Economic Development - Chairman Bond**

*Councilor Bond stated that there was a meeting at which transportation between the Mystic Seaport and Downtown Mystic via boat shuttle was discussed. The seaport has a launch and is considering this idea for next year. During this meeting there was also discussion regarding the marketing of marine science opportunities.*

**c. Education/Health & Social Services - Chairman Kolnaski**

*No meeting; no report.*

**d. Environment & Recreation - Chairman Sheets**

*Councilor Scott read the minutes of the meeting held on April 11, 2006 which are on file in the Town Clerk's office.*

**e. Finance - Chairman Wright**

*Councilor Wright read the minutes of the meeting held on May 23, 2006 which are on file in the Town Clerk's office.*

**f. Personnel/Appointments/Rules - Chairman O'Beirne**

*No meeting; no report.*

**g. Public Safety - Chairman Streeter**

*No meeting; no report.*

**h. Public Works - Chairman Bartinik**

*No meeting; no report.*

**i. Committee of the Whole - Mayor Watson**

*The Committee of the Whole (COW) met on May 23 and the items on tonight's agenda are a result of that meeting.*

**IX. UNFINISHED BUSINESS**

*Responding to Councilor Bond, Town Manager Oefinger will request the Town Attorney to attend next week's COW meeting so that he or she may address the constitutionality of the bus ordinance.*

**X. NEW BUSINESS****2006-0162 Establishment of Tax Rate for General Fund (FYE 07)**

RESOLUTION ESTABLISHING TAX RATE FOR GENERAL FUND TAXES DUE ON JULY 1, 2006

WHEREAS, the Representative Town Meeting has approved a General Fund Budget for fiscal year ending June 30, 2007 providing for expenditure appropriations totaling \$109,975,249 and

WHEREAS, the Town Council estimates cash revenue exclusive of FYE 2007 property taxes will total \$43,561,472 therefore be it

RESOLVED, that \$2,298,358 is hereby appropriated as fund balance available as of July 1, 2006 to partially meet expenditure appropriations contained in the FYE 2007 General Fund Budget, and be it

FURTHER RESOLVED, that the tax rate for taxes due July 1, 2006 is hereby established at 24.05 mills per thousand dollar of assessed valuation to raise \$64,115,419 (\$64,115,419 / 2,717,555,319 / 98.1% x 1,000 = 24.05).

A motion was made by Councilor Kolnaski, seconded by Councilor Scott, that this matter be Adopted.

The motion carried unanimously

2006-0137

**Bodenwein Public Benevolent Foundation Grant for the Arts Cafe - Mystic Program**

RESOLUTION AUTHORIZING A BODENWEIN GRANT APPLICATION FOR THE ARTS CAFE-MYSTIC PROGRAM

WHEREAS, the Arts Cafe-Mystic is a popular program that provides live performances by writers and musicians, supports the local writing community, and gives scholarships to student writers at local high schools, and

WHEREAS, the Arts Café-Mystic has received grants from the Bodenwein Public Benevolent Foundation for the past nine years, allowing the Town of Groton's Department of Parks and Recreation to administer the Arts Café performances, therefore be it

RESOLVED, that the Town Manager may accept a Bodenwein Foundation grant of \$8,500 for the fall of 2006 and the spring of 2007.

A motion was made by Councilor Wright, seconded by Councilor Scott, that this matter be Adopted.

The motion carried unanimously

2006-0167

**Future of Pumpout Boat Program**

RESOLUTION APPROVING NEGOTIATED PURCHASING FOR PUMP-OUT BOAT SERVICES

WHEREAS, the Town Council desires to continue the pump-out boat service that is managed by the Town of Groton for the Mystic River, during the active boating season of 2006, and

WHEREAS, the Connecticut Department of Environmental Protection has strongly encouraged the Town Council to continue the pump-out boat service and has offered to increase the financial subsidy for such service if the Town of Groton will be responsible for its operations, and

WHEREAS, the Town Charter, at Section 7.2.4.2, established the presumption that contracts and purchases for goods or services in excess of \$5,000 should be done by competitive bids, unless the Town Council determines such procedure to be against the best interests of the Town, and

WHEREAS, the Town is soliciting bids for pump-out boat services for the coming summer, and

WHEREAS, the possibility exists that an acceptable bid may not be received, therefore be it

RESOLVED, that the Town Council hereby authorizes non-competitive, negotiated acquisition of pump-out boat services, to be carried out by the direction of the Town Manager.

A motion was made by Councilor Bond, seconded by Councilor O'Beirne, Jr., that this matter be Adopted.

The motion carried unanimously

2006-0171

**Resolution Authorizing Town Manager to Enter into an Agreement for a Grant-Assisted Purchase of Hybrid Vehicles**

RESOLUTION AUTHORIZING TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR A GRANT-ASSISTED PURCHASE OF HYBRID VEHICLES

WHEREAS, on September 13, 2005 and April 12, 2006 the Town Council and RTM, respectively, authorized the expenditure of \$45,000 from funds appropriated from the Fleet Reserve (Account 60400.5420) for the purchase of three Ford Escape hybrid all-wheel drive vehicles, Town funds to be used jointly with funds provided in Connecticut Department of Transportation Project No. 170-



2488, now therefore be it

RESOLVED, that Town Manager Mark Oefinger (also known as Mark R. Oefinger) was authorized to enter into an agreement with the State of Connecticut for a cash grant toward the purchase of alternative fuel motor vehicle(s), FHWA Grant No. CM-00R(298), State Project No. 170-2488, as of the date of the signing of the contract which was April 28, 2006.

**A motion was made by Councilor Streeter, seconded by Councilor Bond, that this matter be Adopted.**

**The motion carried unanimously**

**2006-0172 Referring Ledyard's Request for Sewer Service to WPCA**

**RESOLUTION REFERRING A REQUEST FOR SEWER SERVICE**

WHEREAS, the Town of Ledyard's Department of Planning has asked the Town of Groton to consider providing sewer service in connection with the development of land in Ledyard that is adjacent to the Town of Groton, near Route 12, and

WHEREAS, the feasibility of sharing sewer facilities is a question that is within the responsibilities of Groton's Water Pollution Control Authority, now therefore be it

RESOLVED, that the Town Council refers the Town of Ledyard's request to the Groton WPCA and requests that the WPCA return its opinion to the Town Council.

**A motion was made by Councilor Scott, seconded by Councilor Streeter, that this matter be Adopted, and Referred to the Water Pollution Control Authority.**

**The motion carried unanimously**

**XI. OTHER BUSINESS**

*None.*

**XII. ADJOURNMENT**

*A motion to adjourn at 10:00 p.m. was made by Councilor Bond , seconded by Councilor Scott and so voted unanimously.*

*Attest:*

*Barbara Tarbox, Town Clerk*

*Elga Concepcion  
Office Assistant*